

Application for Search and Seizure Warrant

UNITED STATES DISTRICT COURT
for the
Western District of Washington

FILED	LODGED
RECEIVED	
May 3, 2021	
CLERK U.S. DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT TACOMA	
BY _____	DEPUTY

In the Matter of the Search of:

Justin Tyler Mathis,

Justin Tyler Mathis, 05/21/1995

Case No. MJ21-5094**APPLICATION FOR A SEARCH WARRANT FOR BLOOD SAMPLE**

I, Ian McCranie, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that a sample of blood consisting of one of more tubes or vials should be taken from the following person:

Justin Tyler Mathis,

located in the Western District of Washington and that this blood sample is evidence of the following crime or crimes.

- ☒ Driving While Under the Influence in violation of RCW 46.61.502, 18 U.S.C. § 13, and 36 C.F.R. § 4.23 or 38 C.F.R. § 1.218
- ☐ Physical Control of a Vehicle While Under the Influence of Alcohol or Drugs in violation of RCW 46.61.504, 18 U.S.C. § 13, and 36 C.F.R. § 4.23 or 38 C.F.R. § 1.218
- ☐ Driver under Twenty-One Consuming Alcohol or Marijuana in violation of RCW 46.61.503 and 18 U.S.C. § 13
- ☐ Vehicular Homicide in violation of RCW 46.61.520 and 18 U.S.C. § 13
- ☐ Vehicular Assault in violation of RCW 46.61.524 and 18 U.S.C. § 13
- ☐ _____

This application is based on the facts set forth in the attached affidavit which is incorporated herein as if fully set forth.

Pursuant to Fed. R. Crim. P. 4.1 & 41(d)(3), this warrant is presented:

- ☒ By reliable electronic means. ☐ Telephonically (and recorded).



Applicant's Signature
Ian McCranie, Traffic Investigator
Joint Base Lewis-McChord Police Department

The above-named agent provided a sworn statement attesting to the truth of the foregoing affidavit by telephone on this ~~2nd~~ day of May, 2021.

3rd



THE HON. BRIAN A. TSUCHIDA
UNITED STATES MAGISTRATE JUDGE

1 STATE OF WASHINGTON)
 2) ss
 3 COUNTY OF PIERCE)

4 AFFIDAVIT OF IAN MCCRANIE

5 I, Officer Ian McCranie, a Traffic Investigator with Joint Base Lewis-McChord
 6 Police, Pierce County, Washington, having been duly sworn, state as follows:

7 AFFIANT BACKGROUND

8 1. I have served as a law enforcement officer for the past eight years. My
 9 training and experience relevant to the investigation discussed below includes the
 10 following:

- 11 ☒ Basic Law Enforcement Academy at the Department of the Army
- 12 Civilian Police Academy
- 13 ☒ Standardized Field Sobriety Testing
- 14 ☒ Standardized Field Sobriety Test Instructor
- 15 ☒ Advanced Roadside Impaired Driving Enforcement Training

16 I am Ian P. McCranie, currently assigned to the Joint Base Lewis-McChord (JBLM) Police
 17 Traffic Management and Collision Investigation Section (TMCI) as a Traffic Investigator since
 18 March 2019. I have completed training in, and am certified to perform, Standard Field Sobriety
 19 Tests (SFSTs) in Washington State by the Directorate of Emergency Services on Joint Base
 20 Lewis-McChord. My certification was completed in June of 2013 in accordance with National
 21 Highway and Transportation Safety Administration (NHTSA) standards. I have completed the
 22 Department of the Army Civilian Police Academy, a 10 week course of study which included
 23 training on the subjects of DUI detection and Standard Field Sobriety Tests. I completed initial
 24 training and certification on the BAC DataMaster in June of 2013 and recertification in January
 25 2016. I completed training and certification on the BAC Draeger in August 2017 and
 26 recertification in February 2019. I completed Advanced Roadside Impaired Driving Enforcement
 27 (A.R.I.D.E.) in November of 2017. I completed a Marijuana Controlled Burn though the
 28 Department of the Army Criminal Investigative Division (CID) in May of 2018. I completed
 Marijuana DUI: Prosecution and Enforcement through the Traffic Safety Resource Program in

1 August of 2018. I completed Standard Field Sobriety Test Instructor Development Course in
 2 October 2020, in accordance with National Highway and Transportation Safety Administration
 3 (NHTSA) standards. I completed DUI Refresher training through the Traffic Safety Resource
 4 Program in February 2021. I have completed the following Washington State Criminal Justice
 5 Training Commission (CJTC) Traffic Collision Investigation Courses: Basic Collision
 6 Investigation Course (40 Hours) in Puyallup, WA. Advanced Collision Investigation Course (80
 7 Hours) in Puyallup, WA. Technical Collision Investigation Course (120 Hours) in Puyallup,
 8 WA. I also completed the FARO 3D Laser Scanner Course (24 Hours) on Joint-Base Lewis-
 9 McChord, WA. I have been a member of the Washington Association of Technical Collision
 10 Investigators since March 2020. I have received 264 Hours of training in Traffic Collision
 11 Investigations. I have conducted 46 DUI/Physical Control arrests during my law enforcement
 12 career. By virtue of this training and experience, I am familiar with current techniques for
 13 detecting drug or alcohol impaired drivers, and I am competent to perform such investigations.

14 2. The information presented in this affidavit is:

15 ☒ Based on my personal observations and interviews that I have
 16 conducted.

17 INTRODUCTION AND PURPOSE OF THE AFFIDAVIT

18 3. The purpose of this affidavit is to seek a search warrant to authorize me or
 19 other law enforcement officers to direct a physician, a registered nurse, a licensed
 20 practical nurse, a nursing assistant as defined in Chapter 18.88A of the Revised Code of
 21 Washington (RCW), a physician assistant as defined in chapter 18.71A of the RCW, a
 22 first responder as defined in chapter 18.73 of the RCW, an emergency medical technician
 23 as defined in chapter 18.73 of the RCW, a health care assistant as defined in chapter
 24 18.135 of the RCW, or any technician trained in withdrawing blood to extract a blood
 25 sample consisting of two or more tubes or vials from Justin Tyler Mathis, (hereafter "the
 26 Subject"). This warrant is requested for the purpose of gathering evidence of the
 27 following crime(s):

28 ☒ Driving While Under the Influence in violation of RCW 46.61.502, 18
 U.S.C. § 13, and 36 C.F.R. § 4.23 or 38 C.F.R. § 1.218

- ☐ Physical Control of a Vehicle While Under the Influence of Alcohol or Drugs in violation of RCW 46.61.504, 18 U.S.C. § 13, and 36 C.F.R § 4.23 or 38 C.F.R. § 1.218
- ☐ Driver under Twenty-One Consuming Alcohol or Marijuana in violation of RCW 46.61.503 and 18 U.S.C. § 13
- ☐ Vehicular Homicide in violation of RCW 46.61.520 and 18 U.S.C. § 13
- ☐ Vehicular Assault in violation of RCW 46.61.524 and 18 U.S.C. § 13
- ☐ _____

4. I am seeking to present this application for a search warrant by electronic means because the natural metabolization of alcohol or drugs in the bloodstream may result in the loss of this evidence in the time it would take to present a search warrant application in a more traditional fashion.

SUMMARY OF PROBABLE CAUSE

5. As a result of my duties I am familiar with the jurisdictional boundaries of Joint Base Lewis-McChord, Washington. The incident described below occurred within these jurisdictional boundaries, an area within the special maritime and territorial jurisdiction of the United States as defined in 18 U.S.C. § 7.

6. The initial contact with the Subject occurred on 02 May 2021 at approximately 8:30 pm hrs in the parking lot of 13611 12th St. At this time two witnesses, identified as Steven Tyler Hough and Colin William Weyker observed a white 2015 Chevrolet Silverado WA/C19375U, driving through the parking lot. Both witnesses observed the Chevrolet impact the Dodge Ram with the Chevrolet's tires and slide across the front of a parked 2005 blue Dodge Ram OK/FGL846. Both witnesses then saw the Chevrolet continue to drive and park in a parking stall. Hough and Weyker called the owner of the Dodge Ram and told him his vehicle had been hit. Hough and Weyker continued to watch the Chevrolet but no one exited the vehicle. Once the owner, identified as Jared D Sanders came outside, all three approached the vehicle and found the driver passed out in the driver's seat of the vehicle. Hough opened up the passenger door of the Chevrolet and saw the driver, identified as Justin Tyler Mathis (Subject) in

1 the driver's seat, vomiting into his own lap. Weyker then called their on duty CQ, who
2 then called JBLM Police.

3 7. Based on my training and experience, I believe the Subject may be under
4 the influence of intoxicants or drugs for the following reasons: I arrived on scene at
5 approximately 9:24 hrs. JBLM Fire personnel were already onscene and appeared to be
6 talking to the Subject through the passenger door. One of the Fire personnel walked over
7 to me and told me that they did not see anything wrong with him but that he wouldn't let
8 them evaluate him. The Fire personnel said the Subject just appeared to be intoxicated.

9 8. I quickly made contact with the owner of the Dodge Ram and he showed
10 me the damage to the vehicle, which included a small dent to the front bumper and tire
11 rub marks along the front end of the vehicle. I then walked over the Chevrolet and
12 observed rub marks and tire damage on the driver's side front tire, consistent with the
13 collision.

14 9. I then made contact with the subject on the passenger side of the vehicle.
15 The subject at this point was not wearing a shirt. I introduced myself as JBLM Police.
16 The subject stated that he was worried about being tased and asked if he could touch his
17 vape. I told him that wasn't a concern. The subject's words were heavily slurred and an
18 obvious odor of intoxicating beverages was detected. I told him that the medical
19 personnel here were concerned about him. JBLM Fire personnel asked the subject if he
20 was diabetic, which he stated he was not. JBLM Fire personnel told me they didn't have
21 any other questions for him. I then walked over to the driver's side and continued to talk
22 to the subject. I told him that people had called concerned about him. The subject told me
23 that no one around here was concerned about him. I asked the subject if he had consumed
24 any alcoholic beverages today. The subject said that he had some while at the lake. I
25 asked him if he had come from American Lake, he said yah. I asked the subject if he
26 could step out of the vehicle, which he refused. The subject argued that he did not want to
27 get out of the vehicle. The subject then said several more statements about it being
28 criminal that did not make sense. A strong odor of intoxicates continued to emanate from

1 the subject and his eyes were bloodshot, watery and droopy. After several minutes of
 2 telling the subject to exit the vehicle, he did.

3 10. Once out of the vehicle, the subject stumbled and had to be caught so he did
 4 not fall onto a nearby car. Once I got the subject steady on his feet, I told him I was
 5 concerned about his ability to operate a motor vehicle safely and asked him if he would
 6 be willing to submit to voluntary Standardized Field Sobriety Tests (SFSTs). The subject
 7 then refused to submit to SFSTs. 9:38 pm I concluded that the subject was under the
 8 influence of intoxicating liquor and/or drugs and unable to operate a motor vehicle safely.
 9 I took the Subject into custody without incident and escorted him to my patrol vehicle.
 10 The subject was searched with nothing of evidentiary value found. The subject was then
 11 secured in my rear passenger seat. I then advised the subject of his rights, which he
 12 refused to acknowledge and said he did not understand. I advised the subject of his rights
 13 two more times, to which the subject continued to interrupt and said he did not
 14 understand and wanted a lawyer. The subject was transported to the PMO for further
 15 processing.

16 11. Once at the PMO the subject began to resist being taken to the BAC room
 17 and I had to gain the assistance of another officer to move the subject to the BAC room.
 18 The subject then refused to sit in the BAC room chair. After a few minutes of attempting
 19 to get the subject to sit, he was taken to the PMO D Cell. Once there he was advised of
 20 his constitutional rights from the Washington State DUI Arrest Report. The subject
 21 continued to say he did not understand his rights. I then advised the subject of his rights
 22 two more times, to which he again said he did not understand. The subject was asked if
 23 he wanted to speak to an attorney, but he refused. I then advised the subject of the
 24 Implied Consent Warning for Breath, which the subject refused to acknowledge and said
 25 "blood". I told him I would mark him as a refusal, he said blood and he wasn't refusing.

26 12. The Subject:

27 ☒ Has refused to take a breath Alcohol test on an instrument approved by
 28 the State Toxicologist or a federal agency for such breath testing.

- ☐ Is being treated in a hospital, clinic, doctor's office, emergency medical vehicle, ambulance, or other similar facility, or is at a location that lacks an instrument approved by the State Toxicologist or a federal agency for performing such breath testing, and has refused to submit to a blood test.
- ☐ Is incapable due to physical injury, physical incapacity, or other physical limitation of submitting to a breath alcohol test, and the defendant has refused to submit to a blood test.
- ☐ Has refused to submit to a blood test at the request of the undersigned.
- ☐ Was not offered an opportunity to take a breath alcohol test on an instrument approved by the State Toxicologist or a federal agency for such breath testing because:
- ☐ The available instrument is currently out of order
 - ☐ The individual does not speak English and the implied consent warnings are not available in a language that the defendant understands
 - ☐ _____
- ☐ Submitted to a breath test on an instrument approved by the State Toxicologist or a federal agency for such breath testing but the breath alcohol concentration reading of xx **BAC LEVEL** is not consistent with the defendant's level of impairment suggesting that the defendant is under the influence of a drug.

13. A sample of blood extracted from the Subject if taken within a reasonable period of time after he/she last operated, or was in physical control of, a motor vehicle, may be tested to determine his/her current blood alcohol level and to detect the presence of any drugs that may have impaired his/her ability to drive. This search warrant is being requested within 3 hours and 30 minutes after the Subject ceased driving or was found in physical control of a motor vehicle.

CONCLUSION

14. For the reasons stated above, I request authority to direct a physician, a registered nurse, a licensed practical nurse, a nursing assistant as defined in chapter 18.88A of the RCW, a physician assistant as defined in chapter 18.71A of the RCW, a first responder as defined in chapter 18.73 of the RCW, an emergency medical

1 technician as defined in chapter 18.73 of the RCW, a health care assistant as defined in
2 chapter 18.135 of the RCW, or a technician trained in withdrawing blood to extract a
3 blood sample consisting of one or more tubes or vials from Justin Tyler Mathis,
4 05/21/1995.

5 15. This application for a warrant is being presented electronically pursuant to
6 Fed. R. Crim P. 4.1 & 41(d)(3).

7
8 I certify (or declare) under penalty of perjury under the laws of the United States
9 that the foregoing is true and correct to the best of my knowledge, information and belief.

10 Dated this 2nd day of May, 2021.

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13 Ian McCranie, Traffic Investigator
14 Joint Base Lewis-McChord

15 The above-named agent provided a sworn statement attesting to the truth of the
16 foregoing affidavit on ~~2nd~~^{3rd} day of May, 2021.

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18 
19 THE HON. BRIAN A. TSUCHIDA
20 UNITED STATES MAGISTRATE JUDGE
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